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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,743	11/13/2003	Michael A. Halcrow	2300.000200	2691
46240 7590 12/03/2008 IBM CORPORATION (WMA) C/O WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042				
EXAMINER				
PERUNGAVOOR, VENKATANARAY				
ART UNIT		PAPER NUMBER		
2432				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,743

Applicant(s)

HALCROW ET AL.

Examiner

Venkat Perungavoor

Art Unit

2432

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 8/18/2008 have been fully considered but they are not persuasive.

The Applicant argues that the Song reference fails to disclose a control unit to retrieve one or more collected data over the network. And further Song fails to disclose receiving an encrypted search term or the comparing of terms. And finally, Song does not disclose the encrypting of terms nor receive from a remote device.

The Examiner respectfully disagrees. Song discloses the data servers containing documents and searching of documents without the loss of confidentiality see Abstract Par. 1. And further discloses the building of encrypted file systems and secure mail servers see I. Introduction. This file system is searched for word and the query is hidden see I. Introduction Bullet 1. And the searching of encrypted data to locate an match and a further remote files 2. Searching on Encrypted Data.

Song reference deals with algorithms used for encrypted searching on secure/encrypted file systems. This includes the user accessing a file terms and retrieving the encrypted search term. Then the comparison with the term for closest match see Abstract.

The Applicant argument with regard to Claim 18 is persuasive.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17, 19-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Song, "Practical Techniques for Searches in Encrypted Data".

Regarding Claim 1, 8, Song discloses the accessing one or more terms associated with one or more nodes of a network see § 4.3 Par. 1; encrypting the accessed one or more terms; receiving an encrypted search term from a user see § 4.3 Par. 2; access the storage unit to retrieve one or more of the encrypted accessed terms in device see § 1 Bullet 1; comparing the received encrypted search term with at least a portion of the encrypted accessed terms see § 4.3 Par. 4; and providing a result of the comparison to the user § 4.3 Par. 4.

Regarding Claim 2-7, 9-14, 16-17, 19-20, Song discloses the use of hashing and encryption algorithm on terms see Fig. 2 & Fig. 3 and further mentions the use of database to search for terms see § 1-2.

Regarding Claim 15, Song discloses the a storage unit see § Abstract & § 1 ; and a control unit communicatively coupled to the storage unit, the control unit adapted to

access one or more terms associated with one or more remote files over a network; store the accessed one or more terms in the storage unit see § 4.3 Par. 1; encrypt the stored one or more terms; receive an encrypted search term from a user see § 4.3 Par. 2; access the storage unit to retrieve one or more of the encrypted accessed terms in device see § 1 Bullet 1; compare the received encrypted search term with the encrypted accessed terms § 4.3 Par. 4; and provide a result of the comparison over the network see § 4.3 Par. 4.

Allowable Subject Matter

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./
Examiner, Art Unit 2432
November 25, 2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432